

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Paper **16**

Filed by: Trial Section Merits Panel  
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18 May 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Sally Gardner Lane)

**FAXED**

**MAY 18 2005**

**ERIC B. STANTON,**  
and **GEORGE JACKOWSKI**

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Junior Party,  
(Patent 6,461,828),

v.

**JEFFREY R. DAHLEN,**  
**GUNARS E. VALKIRS, and KENNETH F. BUECHLER**

Senior Party,  
(Application 09/835,298).

Patent Interference No. 105,167

Before McKelvey, Senior Administrative Patent Judge, and Lorin and Lane,  
Administrative Patent Judges.

Lane, Administrative Patent Judge.

**Judgment - Request for Adverse - Bd.R. 127(b)**

Stanton has filed a paper requesting that judgment be entered against it. (Paper 113 at 2).

Upon consideration of the record and for reasons given, it is

**ORDERED** that judgment on priority as to Count 1, the sole count of the interference, is entered against junior party ERIC B. STANTON and GEORGE JACKOWSKI;

**FURTHER ORDERED** that junior party ERIC B. STANTON and GEORGE JACKOWSKI is not entitled to a patent containing claims 1-5 of patent 6,461,828, which claims correspond to Count 1 (Paper 1 at 5 and Paper 106 at 1); and

**FURTHER ORDERED** that a copy of this judgment shall be given a paper number and entered into the administrative records of Stanton's 6,461,828 patent and Dahlen's 09/835,298 application.

18 May 2005  
Alexandria, VA

cc (via facsimile and first class mail):

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